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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

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CASE NO. 16-mc-80068

**STIPULATION AND [PROPOSED]  
ORDER TO SHORTEN TIME FOR  
BRIEFING ON PETITIONERS'  
MOTION TO TRANSFER AND  
MOTION TO COMPEL SUBPOENA  
*DUCES TECUM***

Date: TBD

Time: TBD

Place: Courtroom 10

Judge: Honorable Haywood S. Gilliam, Jr.

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CASE NO. 16-MC-80068

STIPULATION AND [PROPOSED] ORDER TO SHORTEN TIME FOR BRIEFING ON THE MOTION TO TRANSFER AND THE MOTION TO COMPEL SUBPOENA *DUCES TECUM*

1 Petitioners, known in the underlying action<sup>1</sup> as the “RAM Defendants” (Raymond A.  
 2 Mirra, Jr., RAM Capital Group, LLC, RAM Capital Group II, LLC, RAM Realty Holdings, LLC,  
 3 Joseph A. Troilo, Jr., Bruce Kolleda, Mark A. Kovinsky, Joseph J. Tropiano, Jr., Danielle Stewart,  
 4 Renee M. Sigloch, Bari Kuo, Frederick Forte, Virginia L. Hall, and Shelly Demora), Respondent  
 5 Farella Braun + Martel LLP (“Farella Braun”), Plaintiffs in the underlying action (Gigi Jordan,  
 6 The Hawk Mountain LLC, Michelle E. Mitchell, and Kimberly Jordan), and the remaining  
 7 defendants in the underlying action (Patrick Walsh and Bernard Eizen), stipulate as follows  
 8 pursuant to Civil Local Rule 6-2:

9 WHEREAS, the RAM Defendants filed and served a Motion to Transfer, a Motion to  
 10 Compel Subpoena *Duces Tecum* (“Motion to Compel”), and a Motion for Sanctions on March 22,  
 11 2016;

12 WHEREAS, Patrick Walsh and Bernard Eizen intend to join in the Motion to Transfer,  
 13 Motion to Compel, and Motion for Sanctions filed by the RAM Defendants;

14 WHEREAS, the RAM Defendants, Farella Braun, and Plaintiffs in the underlying action  
 15 (“Plaintiffs”), have all agreed to a shortened briefing schedule to expedite resolution of the  
 16 disputes that are the subject of the Motion to Transfer and Motion to Compel;

17 NOW THEREFORE, the parties to this stipulation, through their undersigned counsel of  
 18 record and subject to the Court’s approval, agree:

- 19     1. Patrick Walsh and Bernard Eizen shall file their Notice of Joinder in the Motion  
        20              to Transfer, Motion to Compel, and Motion for Sanctions on or before March  
        21              25, 2016;
- 22     2. Farella Braun shall file its opposition to the Motion to Transfer, and Motion to  
        23              Compel on or before April 1, 2016;

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25     1     The RAM Defendants are currently litigating a case in the United States District Court for  
 26 the District of Delaware, in the action captioned *The Hawk Mountain LLC, et al. v. RAM Capital*  
*Group, LLC, et al.*, C.A. No. 13-02083-SLR-SRF. On March 22, 2016, the RAM Defendants  
 27 filed multiple motions in the Northern District of California, stemming from a subpoena served on  
 Farella Braun in the underlying *Hawk Mountain* litigation on March 3, 2015.

- 1       3. Plaintiffs shall file their opposition to the Motion to Transfer, and Motion to
- 2           Compel, if any, on or before April 1, 2016;
- 3       4. The RAM Defendants, Patrick Walsh and Bernard Eizen shall file their reply in
- 4           support of the Motion to Transfer, and Motion to Compel on or before April 6,
- 5           2016;
- 6       5. If Farella Braun and Plaintiffs file separate oppositions to the Motion to
- 7           Transfer, Motion to Compel, and/or Motion for Sanctions, the RAM
- 8           Defendants, Patrick Walsh and Bernard Eizen shall have the right (but not the
- 9           obligation) to file a separate reply to each opposition;
- 10      6. The parties to this stipulation consent to service by electronic mail of the
- 11           Motion to Transfer, Motion to Compel, and Motion for Sanctions.
- 12      7. The parties consent to service of all papers in this action (including the above-
- 13           referenced motions, opposition and reply papers) by electronic mail, and agree
- 14           that such service shall constitute personal delivery by hand pursuant to Federal
- 15           Rule of Civil Procedure 5(b)(2)(A).

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17       IT IS SO STIPULATED.

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1 DATED: March 24, 2016 Respectfully submitted,  
2 QUINN EMANUEL URQUHART & SULLIVAN, LLP  
3 By /s/ Karin Kramer  
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10 *Attorneys for Petitioners*  
11  
12 DATED: March 24, 2016 Respectfully submitted,  
13 FARELLA BRAUN + MARTEL LLP  
14 By /s/ Anthony Schoenberg  
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21 *Attorneys for Respondent*  
22  
23 DATED: March 24, 2016 Respectfully submitted,  
24 LAW OFFICE OF ALLAN L. BRENNER  
25 By /s/ Allan L. Brenner  
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*Attorney for Plaintiffs*  
29  
30 DATED: March 24, 2016 Respectfully submitted,  
31 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP  
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38 *Attorney for Patrick Walsh*

1 DATED: March 24, 2016

Respectfully submitted,

2 COZEN O'CONNOR, P.C.

3 By /s/ Andrew M. Hutchison

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10 *Attorney for Bernard Eizen*

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~~PROPOSED~~ ORDER

Based on the foregoing stipulation, and for good cause shown,

**IT IS HEREBY ORDERED** that

1. Patrick Walsh and Bernard Eizen shall file their Notice of Joinder in the Motion  
2 to Transfer, Motion to Compel, and Motion for Sanctions on or before March  
3 25, 2016;
4. Farella Braun shall file its opposition to the Motion to Transfer, and Motion to  
5 Compel on or before April 1, 2016;
6. Plaintiffs shall file their opposition to the Motion to Transfer, and Motion to  
7 Compel, if any, on or before April 1, 2016;
8. The RAM Defendants, Patrick Walsh and Bernard Eizen shall file their reply in  
9 support of the Motion to Transfer, and Motion to Compel on or before April 6,  
10 2016;
11. If Farella Braun and Plaintiffs file separate oppositions to the Motion to  
12 Transfer, Motion to Compel, and/or Motion for Sanctions, the RAM  
13 Defendants, Patrick Walsh and Bernard Eizen shall have the right (but not the  
14 obligation) to file a separate reply to each opposition;
15. The parties to this stipulation shall accept electronic mail service of the Motion  
16 to Transfer, Motion to Compel, and Motion for Sanctions;
17. All papers in this action (including the above-referenced motions, opposition  
18 and reply papers) shall be permitted to be served by electronic mail, and such  
19 service shall constitute personal delivery by hand pursuant to Federal Rule of  
20 Civil Procedure 5(b)(2)(A).

**IT IS SO ORDERED.**

DATED: March 25, 2016

  
Honorable Haywood S. Gilliam, Jr.

United States District Judge

## ATTESTATION

I, Karin Kramer, am the ECF user whose ID and password are being used to file this Stipulation and [Proposed] Order. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that Anthony Schoenberg, Allan L. Brenner, Thomas M. Monahan, and Andrew M. Hutchison have concurred in this filing.

Dated: March 24, 2016

/s/ Karin Kramer  
Karin Kramer

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12 RAYMOND A. MIRRA, JR., RAM  
13 CAPITAL GROUP, LLC, D/B/A RAM  
14 CONSULTING GROUP, LLC, RAM  
15 CAPITAL GROUP II, LLC, RAM REALTY  
16 HOLDINGS, LLC, JOSEPH A. TROILO, JR.,  
17 BRUCE KOLLEDA, MARK A. KOVINSKY,  
18 JOSEPH J. TROPIANO, JR., DANIELLE  
19 STEWART, RENEE M. SIGLOCH,  
20 FREDERICK FORTE, VIRGINIA L. HALL,  
21 BARI KUO, and SHELLY DEMORA,

22 Petitioners,

23 v.

24 FARELLA BRAUN + MARTEL, LLP,

25 Respondent.

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CASE NO. 16-mc-80068

**DECLARATION OF KARIN KRAMER IN  
SUPPORT OF STIPULATION AND  
[PROPOSED] ORDER TO SHORTEN  
TIME TO TRANSFER AND THE  
MOTION TO COMPEL SUBPOENA  
*DUCES TECUM***

Date: TBD

Time: TBD

Place: Courtroom 10

Judge: Honorable Haywood S. Gilliam, Jr.

1 I, Karin Kramer, declare as follows:

2       1. I am a member of the law firm of Quinn Emanuel Urquhart & Sullivan, LLP,  
 3 attorneys for the Petitioners in this miscellaneous matter and for the RAM Defendants (Raymond  
 4 A. Mirra, Jr., RAM Capital Group, LLC, RAM Capital Group II, LLC, RAM Realty Holdings,  
 5 LLC, Joseph A. Troilo, Jr., Bruce Kolleda, Mark A. Kovinsky, Joseph J. Tropiano, Jr., Danielle  
 6 Stewart, Renee M. Sigloch, Bari Kuo, Frederick Forte, Virginia L. Hall, and Shelly Demora) in  
 7 the action currently pending in the United States District Court for the District of Delaware,  
 8 captioned *The Hawk Mountain LLC, et al. v. RAM Capital Group, LLC, et al.*, C.A. No. 13-02083-  
 9 SLR-SRF. I am duly licensed to practice before this Court. The matters set forth herein are  
 10 within my personal knowledge and if called and sworn as a witness I could competently testify  
 11 regarding them.

12       2. I submit this declaration in support of the Stipulation to Shorten Time for Briefing  
 13 on the Motion to Transfer and the Motion to Compel Subpoena *Duces Tecum*. (If the Court grants  
 14 the Motion to Transfer, then it need make no ruling regarding the Motion to Compel. The parties  
 15 will address timing of that motion with the Magistrate assigned to hear discovery disputes for this  
 16 case in the District of Delaware.)

17       3. We are requesting this matter be heard on shortened time because the fact  
 18 discovery deadline in the underlying Delaware litigation has passed. The dispute that is at the  
 19 center of this motion practice concerns documents responsive to a Subpoena to Produce  
 20 Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action, served  
 21 on Respondent Farella Braun + Martel LLP (“Farella Braun”) by the RAM Defendants on March  
 22 3, 2015. The parties need to have this dispute resolved expeditiously, so they can finally complete  
 23 discovery and proceed with other deadlines in the underlying litigation.

24       4. There have been no previous time modifications in this miscellaneous action.

25       5. The requested time modification would not affect the schedule for this action, as  
 26 there are no other deadlines in this case at this time apart from the deadlines associated with these  
 27 motions.

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1 I declare under penalty of perjury of the laws of the United States that the foregoing is true  
2 and correct. Executed in San Francisco, California on March 24, 2016.  
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14 /s/ *Karin Kramer*  
15 Karin Kramer